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DISTRICT COURT OF GUAM
TERRITORY OF GUAM

WARREN ANTONIO LEE,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

Criminal Case No. 95-00114

OPINION AND ORDER
RE: MOTION FOR RELEASE

The Petitioner Warren Antonio Lee (“the Petitioner”) filed a Motion for Release on November 16, 2010, requesting the court release him pursuant to 18 U.S.C. § 4205(a) and § 235(b)(3) of the Sentencing Reform Act of 1984. *See* Docket No. 87. He cites several cases that interpret these provisions. *See* Docket No. 87.

The Petitioner’s motion must be denied. In 1984, Congress repealed 18 U.S.C. § 4205 and abolished the federal parole system when it enacted the Sentencing Reform Act of 1984 and the corresponding United States Sentencing Guidelines. *See* 18 U.S.C. § 3551 *et seq.* and 28 U.S.C. § 991-98.

The Ninth Circuit recognized that the Sentencing Reform Act “instituted a complete overhaul of the sentencing process, establishing comprehensive sentencing guidelines and abolishing the parole system.” *Fassler v. U.S. Parole Comm’n*, 964 F.2d 877, 878 (9th Cir. 1991). The court concluded that “[s]ection 235 of the Act governs the transition from the old regime to the new,” and specifically that “§ 235(b)(3), a transition provision, does not change the status of prisoners, making otherwise ineligible prisoners eligible for parole.” *Id.* at 879.

1 Here, it is undisputed that the Petitioner was sentenced in 1996, years *after* the enactment
2 and effective date of the Sentencing Reform Act of 1984. Indeed, the Judgment states
3 specifically: “The sentence is imposed pursuant to the Sentencing Reform Act of 1984.” Docket
4 No. 53. Under this Act, parole no longer exists in the federal system.

5 Accordingly, the motion is hereby **DENIED**.

6 **SO ORDERED.**



/s/ Frances M. Tydingco-Gatewood
Chief Judge
Dated: Apr 13, 2011